

31. Means according to claim 8, wherein the carrier is in the form of a body having a lattice structure for receiving the active ingredient complex therein.

32. Method according to claim 15, wherein the carrier is in the form of a body having a lattice structure for receiving the active ingredient complex therein.

33. Method according to claim 21, wherein the carrier is in the form of a body having a lattice structure for receiving the active ingredient complex therein.--

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**REMARKS**

The Office Action of October 4, 2000, has been carefully considered. The instant amendment is believed to be fully responsive to the issues raised and places the case in condition for allowance.

At the outset, applicant respectfully requests the Examiner's to acknowledge Applicant's claim for priority under §119 and that a certified copy of the priority document German Application Serial No. 19917696.5 was filed with the PTO on July 26, 1999.

The Examiner is also respectfully requested to acknowledge Applicant's initial Information Disclosure Statement and prior art references were filed on July 26, 1999, considered by the Examiner and made of record. This is in addition to Applicant's Supplemental Information Disclosure Statement which was filed on May 3, 2000, which has been made of record as Paper No. 11.

Now turning to the issues raised in the Office Action, it should be pointed out that originally filed claims 1-7 have been replaced with claims 8-33, which have been drafted to obviate the §112, first and second paragraph rejections, as well as the rejection

under 37 CFR 1.75(c) (multiple dependencies). As now presented, all of the claims are believed to satisfy §112.

As for the double patenting rejection, this rejection is respectfully traversed on the ground that all of the claims recite a carrier which includes the active ingredient complex in addition to the newly recited utility. Moreover, the carrier is defined in claims 31-33 as having a lattice structure. These features are neither claimed in Applicant's '859 patent, nor would be deemed obvious within the meaning of §103 for the reasons noted at pages 2-3 of the present specification. Hence, a terminal disclaimer under these circumstances is not believed warranted.

Based on the aforementioned reasons, favorable reconsideration is respectfully requested.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME COMISKY & MCCAULEY LLP, Deposit Account No. 23-2185 (109572.00101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants

hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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By: 

Herbert Cohen

Registration No. 25,109

BLANK ROME COMISKY & MCCAULEY LLP  
900 17th Street, N.W., Suite 1000  
Washington, D.C. 20006  
Tel.: (202) 530-7400  
Fax: (202) 463-6915 (facsimile)